THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 12721 of 2001

DATE: 05-10-2007

Between :

Vishwanath Rao

… Petitioner

And

Joint Collector,
Medak District and 2 others.

… Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 12721 of 2001

ORDER:

The application made by the petitioner for grant of Occupancy Rights under the provisions of Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955 (for short 'the Act') in respect of Ac.3.36 guntas of land situated in Sy.No.83 of Mariyampoor Village, Nayalkal Mandal, Medak District was rejected by the second respondent by order dated 12-08-1995 and occupancy rights were granted in favour of the third respondent herein. Aggrieved by the same, the petitioner preferred an appeal under Section 24 of the Act before the first respondent. The said appeal was dismissed by the first respondent by order dated 23-03-2001.

Hence, this writ petition contending *inter alia* that since the appeal was dismissed by the first respondent without hearing the petitioner, the impugned order being violative of principles of natural justice is liable to be set aside on that ground alone.

Heard the learned counsel for both parties.

A perusal of the impugned order itself shows that neither of the parties nor their counsel were present on
the date of hearing of appeal before the first respondent.

While directing Rule nisi on 26-06-2001, the order of the second respondent was suspended by this Court and the said order continued in operation all through. Consequently the Occupancy Rights Certificate granted in favour of the third

respondent has not been given effect to so far. Both the petitioner as well as the third respondent claim possession in respect of the property in question as on today.

In the circumstances, I am of the opinion that it would be appropriate to remand the matter to the first respondent for consideration afresh after hearing both the parties.

Accordingly, without expressing any opinion on merits, the impugned order dated 23-03-2001 is hereby set aside and the writ petition is disposed of with a direction to the first respondent to consider the appeal afresh after hearing both the parties and pass appropriate orders in accordance with law. Such exercise shall be completed as expeditiously as possible preferably within a period of three months from the date of receipt of a copy of this order. No costs.

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G. ROHINI, J

Date: 05-10-2007
KLP